IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.64810-M of 2006
Date of Decision:- 17.8.2007

Rupinder Singh ....Petitioner(s)

through
Mr.A.K.Vermani, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.Praveen Goyal, Sr. DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of the F.I.R.No.97 dated 12.7.2006 under Sections 22/61/85 of the N.D.P.S.Act registered at Police Station, Majitha District Amritsar.

The petitioner's primary contention is that the drugs allegedly recovered from his possession, on the basis of which Section 22/61/85 of the N.D.P.S.Act has been attracted, are prescribed and he is entitled to purchase and sell them in terms of the Licence dated 8.12.2003 (Annexure P-2) granted by the Competent Authority. It is also contended on behalf of the petitioner that the contents of the alleged drug recovered from him have been analysed and found to be legally permissible.

The respondents, however, are disputing the petitioner's contention and it is averred that the petitioner is not authorized to sell the drugs allegedly recovered from him.

It is further pointed out that after presentation of challan, charges have already been framed against the petitioner and the trial proceedings are going on.

In this view of the matter and having regard to the fact that the disputed questions of fact are involved in this case, this petition is disposed of with liberty to the petitioner to raise all the pleas before the learned Special Court at an appropriate stage and the same shall be gone into in accordance with law.

August 17, 2007 **(SURYA KANT)**
poonam **JUDGE**